

REMARKS

1. Summary of Office Action

In the Office Action mailed July 7, 2006, the Examiner rejected claims 1-2, 5-6, 9-17, and 21-24 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 7,023,879 (Sitaraman) in view of U.S. Patent Application Publication No. 20010047415 (Skene et al.). Further, the Examiner rejected claims 3-4, 7-8, and 19-20 under 35 U.S.C. § 103(a) as being obvious over the combination of Sitaraman, Skene et al., and the Applicant's Admitted Prior Art (AAPA).

2. Amendments and Pending Claims

Applicant has amended claims 1, 3, 6-7, 10, 13, 16-17, 19, and 22-24. Now pending in this application are claims 1-17 and 19-24 of which claims 1, 6, 10, 13, and 16-17 are independent.

3. Payment of Fees

Applicant believes that no additional fees are required at this time. Please charge any additional fees required under 37 C.F.R. §§ 1.16-1.21 or credit any overpayment of fees to Deposit Account No. 132490.

4. Response to §103 Rejections

The Examiner rejected claims 1-2, 5-6, 9-17, and 21-24 under 35 U.S.C. § 103(a) as being obvious over the combination of Sitaraman and Skene et al. Applicant has amended independent claims 1, 6, 10, 13, and 16-17. Amended claims 1, 6, 10, 13, and 16-17 clearly distinguish over the combination of Sitaraman and Skene et al. because the combination of Sitaraman and Skene et al. fails to disclose or suggest all of the limitations of any of these claims.

In particular, the combination of Sitaraman and Skene et al. fails to disclose or suggest at least the elements of: (i) the LAC using the address of the contact LNS to send to the contact LNS at least *a first message* to request establishment of the session between the contact LNS and the LAC and to *inform the contact LNS of the availability of the LAC for participating in load balancing*, as recited in claim 1, (ii) sending to the contact LNS from the LAC at least *a first message* to request establishment of a session between the contact LNS and the LAC and to *inform the contact LNS that the LAC can participate in load balancing*, as recited in claims 6 and 10, (iii) the LAC sends to the contact LNS via the first network *a message informing the contact LNS of the availability of the LAC for participating in load balancing*, as recited in claim 13, (iv) means for sending to the contact LNS from the LAC *a message that indicates the LAC is available for participating in load balancing*, as recited in claim 16, and (v) second program code for causing the LAC to send to the contact LNS at the address of the contact LNS *a message that indicates the LAC is available for participating in load balancing*, as recited in claim 17.

At best, the combination of Sitaraman and Skene et al. teaches: (i) an L2TP tunneling environment in which an LAC communicates with an LNS, (ii) the communication between the LAC and LNS is by way of L2TP requests and responses, (iii) when an L2TP tunnel is set up, the LAC forwards a PPP session over the L2TP tunnel to the LNS, and (iv) a local domain name system (LDNS) server requests an extended DNS to perform domain name resolution (i.e., a process by which a domain name is translated into an IP address). (See, Sitaraman, col. 1, line 66 to col. 2, line 8, and Skene et al., paragraphs 0008–0011). However, the combination of Sitaraman and Skene et al. does not teach or suggest the LAC sending to the contact LNS *a*

message that indicates the LAC is available for participating in load balancing, as recited in claims 1, 6, 10, 13, and 16-17.

In rejecting claims 1 and 6, the Examiner alleged that Sitaraman teaches wherein the LAC sends a message to the contact LNS, the message informing the LNS of the availability of the LAC for participating in load balancing, and the Examiner cited to Sitaraman, Figure 1 and col. 1, line 62 to col. 2, line 32. At best, these sections of Sitaraman teach: (i) a Layer 2 Tunneling Protocol (L2TP) architecture, (ii) an L2TP tunneling environment in which an LAC communicates with an LNS, (iii) the communication between the LAC and LNS is by way of L2TP requests and responses, and (iv) when an L2TP tunnel is set up, the LAC forwards a PPP session over the L2TP tunnel to the LNS. Applicant submits that these sections of Sitaraman, as well as the rest of Sitaraman and Skene et al., do not teach or suggest the LAC sending to the contact LNS *a message that indicates the LAC is available for participating in load balancing*, as recited in claims 1, 6, 10, 13, and 16-17.

Applicant submits that claims 1, 6, 10, 13, and 16-17 are allowable because the combination of Sitaraman and Skene et al. fails to disclose or suggest all of the limitations of claims 1, 6, 10, 13, and 16-17. Further, without conceding the assertions made by the Examiner regarding dependent claims 2-5, 7-9, 11-12, 14-15, and 19-24, Applicant submits that dependent claims 2-5, 7-9, 11-12, 14-15, and 19-24 are allowable for at least the reason that they depend from one of allowable claims 1, 6, 10 or 13.

5. Conclusion

Applicant believes that all of the pending claims have been addressed in this response. However, failure to address a specific rejection or assertion made by the Examiner does not signify that Applicant agrees with or concedes that rejection or assertion.

For the foregoing reasons, Applicant submits that claims 1-17 and 19-24 are in condition for allowance. Therefore, Applicant respectfully requests favorable reconsideration and allowance of all of the claims. If the Examiner would like to discuss this case, the Examiner is encouraged to contact the undersigned at (312) 913-3313.

Respectfully submitted,
McDONNELL BOEHNEN
HULBERT & BERGHOFF LLP

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By: David L. Ciesielski
David L. Ciesielski
Reg. No. 57,432